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DIVISION  
408 971 4660

P.1



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PC  
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FAX COVER SHEET

Date: June 27, 2005	Phone Number	Fax Number
To: Petitions Division, USPTO		(703) 872-9306
From: Dominic M. Kotab		

Docket No.: HIT1P020A/SJ0920010068US2

App. No: 10/601,021

Total Number of Pages Being Transmitted, Including Cover Sheet: 12

<p>Message:</p> <p>Please deliver to the Petitions Division.</p> <p>Thank you,</p> <p>Dominic M. Kotab</p>
--

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JUN 27 2005

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Practitioner's Docket No. HIT1P020A/SJ0920010068US2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Douglas Werner

Application No.: 10/601,021

Group No.: 3729

Filed: 06/19/2003

Examiner: Kim, Paul D.

For: PLANAR GAP PRE-FILL METHOD FOR READ HEADS

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
— OFFICE ACTION NOT RECEIVED

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
  - (a) The Office Action indicated, as mailed on August 26, 2004, was not received.
  - (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.
  - (c) The PAIR site indicates that the Office Action was returned to the USPTO as undeliverable on August 26, 2004.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

\_ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

\_ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

\_ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office. (703) 872-9306.

Date:

6-27-2005

Signature

Nancy Rushton

(type or print name of person certifying)

\* Only the date of filing ( ' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" ( ' 1.10) or facsimile transmission ( ' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to Withdraw Holding of Abandonment—Office Action Not Received--page 1 of 2

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3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. Please see page 2 of Exhibit A. This shows how the entry would have appeared on our docket.

4. As additional evidence of non-receipt of the Office Action, I also attach:

Exhibit B is a copy of the PAIRConnect Patent Record which shows a direct comparison of the PTO Action Items on the PAIR system and the IP Master Actions listed in our docketing database. The PAIR column shows the mailing of the Non-Final Rejection on 8/26/2004, but there is no action noted as received on our side.

Exhibit C is a copy of the PAIR Image File Wrapper showing the Non-Final Rejection was returned to the USPTO as undelivered on 08/26/2004. Please note that is the same date as the Mailing date of the Action.

Exhibit D is a copy of our Firm's Audit Sheet showing a note from docketing department personnel highlighting the non-receipt of the Office Action in question.

5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

6. The petition fee (37 C.F.R. § 1.17(h)—\$130.00) is paid as follows:

Should the Commissioner find that a fee is necessary, authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 50-2587 (Order No. SJ0920010068US2).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



Signature of Practitioner  
Dominic M. Kotab  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Reg. No.: 42,762  
Tel. No.: 408-971-2573  
Customer No.: 50535

## Exhibit A

COPY



Patent: HIT1P020A, United States, Regular, National,  
Division

## Patent Data

Docket No	HIT1P020A	Senior Attorney	Dominic M. Kotab
Country	United States	Primary Attorney	
Case Type	Regular	Client/Division	Hitachi Global Storage Technologies, Inc.
Relation Type	Division	Current Owner	Hitachi Global Storage Technologies, Inc.
Filing Type	National	Previous Owner	
Filing Number		Client Case No.	SJ09-2001-0068US2
Status	Filed	First Filing Date	6/5/2001
Sub Status		Sub Status Date	
Parent Country	United States	Parent Filing Date	6/5/2001
Parent Number	09/875,405	Parent Grant Date	
Application Number	10/601,021	Application Date	6/19/2003
Patent Number		Grant Date	
Publication Number	2004-0085680	Publication Date	5/6/2004
Assigned	Assignment Made	Ind. Claims/Designs	
Convention Type	Based on Priority Case	Total Claims	
Req Not To Pub Incl	No	Total Classes	
TaxAgent		Confirmation Number	
Firm Attorney		Tax Base Date	
Administrator		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Alt Case No	
Custom Party #6		Priority Date	6/5/2001
Custom Party #7		US Case No	09/875,405
Custom Party #8		Custom Date #3	
Firm Case Number		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Confirm No	
Customer Code	OOPP	Customer Name	Silicon Valley IP Group

## Title

Planar Gap Pre-Fill Method For Read Heads

## Description

## Current Expense Information

## Other Case-Related Information

## Actions

Action Code	Action Due Date	Taken Date	Deadline Date	Completed Date	Post Card Received	Who	Action Notes
Information Disclosure Statement	8/1/2004			7/29/2004		Dominic M. Kotab	

Revised publication date	5/6/2004	5/6/2004	Dominic M. Kotab
Priority Doc. To Be Filed	10/19/2003	10/19/2003	Dominic M. Kotab
Filing Postcard	7/19/2003	6/19/2003	Dominic M. Kotab
Filing Receipt	8/19/2003	9/16/2003	Dominic M. Kotab
No Foreign Filing	6/19/2004	6/19/2004	Dominic M. Kotab
Foreign filing - 11 month remi	5/19/2004	6/19/2004	Dominic M. Kotab
Recorded Assignment Received	8/19/2003		Dominic M. Kotab
Preliminary Amendment		6/19/2003	Dominic M. Kotab
Status Inquiry	6/19/2005		Dominic M. Kotab
Reminder	8/1/2004	7/29/2004	Dominic M. Kotab
Check PAIR	8/29/2004	8/11/2004	Dominic M. Kotab
File Audit Date		4/11/2005	
Notes		4/11/2005	
Follow up	4/18/2005		
Follow up	4/25/2005		
Office Action Mailed Date		8/26/2004	
Office Action 3 mos.	11/26/2004		
Office Action 6 mos.	2/26/2005		

During the file audit, PAIR shows that a non-final rejection was mailed on 8/26/2004, but we never received it. The file was given to Dominic who said he'd follow up with the examiner.

Regarding the non-final rejection that PAIR says was mailed 8/26/2004 that we never received

Regarding the non-final rejection that PAIR says was mailed 8/26/2004 that we never received

entered 4/11/05 during file audit

**Inventors**

Inventor	Custom Text #2	Assignment Date	Inventor Date #2	Inventor 1	Inventor 2	Real Number 1	Real Number 2
Douglas Werner		5/31/2001					

CreateUser: dbo

UpdateUser: Melissa

CreateDate: 6/23/2003

UpdateDate: 4/11/2005

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## Exhibit B

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# IP MASTER

<b>Case Type:</b>	Regular	Dominic M. Kotab
<b>Relationship:</b>	Division	Hitech Global Storage Technologies, Inc.
<b>Filing Type:</b>	National	Hitech Global Storage Technologies, Inc.
<b>Filing #:</b>		

Attorney Docket No.:	HIT1P020A/SJ09-2001
Confirmation Number:	7090
Customer Number:	50535

	Number	Date	Filed
Application	10/601,021	6/19/2003	
Publication	2004-0085680	5/6/2004	
Patent			

	Number	Date
Application	10601021	6/19/2003
Publication	US 2004-0085680	5/6/2004
Patent	-	
Status:	(Non Final Action Mailed	

Class Subd:	029/603.13	GAU:	3729
Examiner:	KIM, PAUL D		
Location:	ELECTRONIC		

Pre Issue Petition:			
Post Issue Pet.:			
PTO Adjustment:			
PTO Delay:			7
Three Year Delay:			0
Applicant Delay:			0
Total PTA:			7

**PAIR**

PAIR ADJ ESP

# Planar Gap Pre-Fill Method For Road Heads

IP Master Actions	Date	PAIR Actions

Notes	4/11/2005
File Audit Date	4/11/2005

3/17/2005	Correspondence Address Change
10/24/2004	Correspondence Address Change

8/26/2004 Mail Non-Final Rejection

8/24/2004	Non-Final Rejection
-----------	---------------------

8/11/2004	Reference capture on IDS
8/11/2004	Information Disclosure Site

8/11/2004  
01/1/2004  
INFORMATION DISCLOSURE STATEMENT (IDS) FILED

8/5/2004 Case Docketed to Examiner In GAU

7/29/20047/29/20046/19/2004  
6/19/2004

01/13/2004  
5/6/2004

3/4/2004 IFW TSS Processing by Tech Center Complete

**3/3/2004**

10/19/2003 Application Is Now Complete

9/16/2003

9/15/2003 Pre-Exam Office Action Withdrawn

9/15/2003 Application Return TO OIPE

9/15/2003	Application Return from OIPE
9/15/2003	Application to New Company

9/15/2003 Application Disatched from NICE

[illegible]

4/20/2005 Page 1

HIT1P020A

**PAIRConnect Patent Record**

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8/26/2003    Cleared by OIPE CSR  
7/27/2003    IFW Scan & PACR Auto Security Review  
6/19/2003    Initial Exam Team m  
Preliminary Amendment    6/19/2003  
Filing Postcard    6/19/2003


PAIR :

Page 1 of 2

## Exhibit C

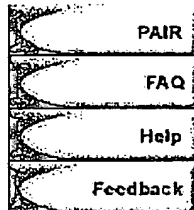
COPY



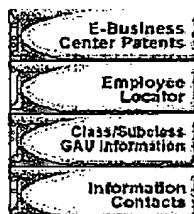
United States Patent and Trademark Office

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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



## Image File Wrapper for Application No.: 10/601,021

NEW

This application is officially maintained in electronic form. To View: Click the desired Document Description, the desired document(s) and click Download.

Mail Room Date	Document Description	Document Category
12/21/2004	<a href="#">Change of Address</a>	PROSECUTION
08/26/2004	<a href="#">Bibliographic Data Sheet</a>	PROSECUTION
08/26/2004	<a href="#">Mail returned to USPTO as undelivered</a>	PROSECUTION
08/26/2004	<a href="#">Non-Final Rejection</a>	PROSECUTION
08/26/2004	<a href="#">List of references cited by examiner</a>	PROSECUTION
08/26/2004	<a href="#">Foreign Reference</a>	PROSECUTION
08/26/2004	<a href="#">NPL Documents</a>	PROSECUTION
08/26/2004	<a href="#">Search information including classification, databases and other search related notes</a>	PROSECUTION
08/26/2004	<a href="#">Index of Claims</a>	PROSECUTION
08/24/2004	<a href="#">Examiner's search strategy and results</a>	PROSECUTION
08/11/2004	<a href="#">Information Disclosure Statement (IDS) Filed</a>	PROSECUTION
08/11/2004	<a href="#">Foreign Reference</a>	PRIOR ART
06/19/2003	<a href="#">Oath or Declaration filed</a>	PROSECUTION
06/19/2003	<a href="#">Fee Worksheet (PTO-875)</a>	PROSECUTION
06/19/2003	<a href="#">Claims Worksheet (PTO-2022)</a>	PROSECUTION
06/19/2003	<a href="#">Transmittal letter</a>	PROSECUTION
06/19/2003	<a href="#">Preliminary Amendment</a>	PROSECUTION
06/19/2003	<a href="#">Specification</a>	PROSECUTION
06/19/2003	<a href="#">Claims</a>	PROSECUTION
06/19/2003	<a href="#">Applicant Arguments or Remarks Made in an Amendment</a>	PROSECUTION
06/19/2003	<a href="#">Specification</a>	PROSECUTION
06/19/2003	<a href="#">Claims</a>	PROSECUTION
06/19/2003	<a href="#">Abstract</a>	PROSECUTION



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06/19/2003	Drawings	PROSECUTION
06/19/2003	Fee Worksheet (PTO-875)	PROSECUTION

Sorted By : Mail Room Date

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## Exhibit D

US Patent Applications

COPY

April

2005 File Audit

Docket Number HTT1P200A/ Application Number 10/600,021  
3509-2001-0068452Filing DateMatch in Docket, FR, Express Mail  
Receipt and Postcard?yes, 6/19/03Foreign FilingForeign Filing Date Docketed  
Priority DateNO ffRescind Non-Publication Request45 Days after FF docketed (after 11/29/00)  
Date RescindedN/ASmall Entity StatusSmall Entity Status Claimed?  
Loss of Entitlement Filed?NO  
N/AAssignmentVerify Correct Assignee  
Verify Recordationyes - ok on assignments submit  
has not been recorded yetPetition to Make Special

6 &amp; 9 month follow-ups docketed?

NO N/AStatus Check

Status OA docketed (2 yrs. from filing date)

yes, 6/19/05IDSfiled 7/29/04PAIR VerificationDate/Type of Last Action Sent  
Verification of Receipt of Last Action7/29/04 IDS filed  
yes

\* Notes: PAIR shows that a non-final rejection was mailed to us 8/26/04, but we never received it.